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March 3, 2011

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D. C. 20423

**RE:** Docket No. AB-330 (Sub-No. 4X),  
*Otter Tail Valley Railroad Company, Inc.—Abandonment  
Exemption—in Otter Tail County, MN*

Dear Ms. Brown:

Enclosed for e-filing by the Otter Tail Valley Railroad Company, Inc. ("OTVR") is a letter send to the Minnesota Historical Society. The letter dated March 3, 2011 addresses the SHPO's concerns about the track, a bridge, and the right-of-way and includes current photos, per the SHPO's request.

If you have any questions please call or email me.

Sincerely yours,



Melanie B. Yasbin  
Attorney for Otter Tail Valley Railroad Company, Inc.

Enclosures

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March 3, 2011

Ms. Mary Ann Heidemann  
Manager, Government Programs and Compliance  
Minnesota Historical Society  
345 Kellogg Boulevard West  
St. Paul, MN 55102-1906

**RE:** Docket No. AB-330 (Sub-No. 4X), *Otter Tail Valley Railroad Company, Inc.—  
Abandonment Exemption—in Otter Tail County, MN.*

Dear Ms. Heidemann:

The purpose of this letter is to respond to the Minnesota Historical Society's concerns regarding the Otter Tail Valley Railroad Company, Inc.'s ("OTVR") abandonment of 0.822 miles of railroad line between milepost 48.422 near Fergus Falls and milepost 47.60, on OTVR's Fergus Falls to Hoot Lake line in Otter Tail County, MN (the "Line").

In a decision served on November 9, 2010, the Surface Transportation Board ("STB"), through the Director of the Office of Proceedings, exempted the abandonment subject to the Section 106 process of the National Historic Preservation Act. Specifically, the STB required that OTVR consult with the Minnesota Historical Society and address the concerns that were raised in its October 5, 2010 letter.

Below are the questions you asked and OTVR's response.

*1. The abandonment purpose seems to be a pending property sale to Otter Tail Power. Please explain what the power company intends to do with the rail line, once acquired.*

The continued operation of Otter Tail Power's ("OTP") Hoot Lake Plant relies on the security of its facility and the adjoining properties. The property at issue is not currently fenced and has been used by the public as another way to gain access to the property owned by OTP.

It is my understanding that OTP does not intend to do anything with the property other than what is necessary for the security of the plant and is seeking to acquire it to prevent development from other potential interested parties.

*2. The environmental and historic report submitted with your letter stated that Otter Tail Power "... is one of OTVR's largest shippers. " When the rail line is abandoned, how will the plant receive shipments? And what will the railroad company do without its largest customer?*

The plant will be able to receive shipments from BNSF Railway Company ("BNSF"). BNSF's line is the line that is seen in the Google Earth photos and it will remain in place.

OTVR will still be able to access Otter Tail Power via BNSF.

*3. The report you sent also states that the tracks had been previously removed. However, the current Google Earth photos show track still in place. Please send current photos of the existing land use and site conditions on the rail segment proposed for abandonment.*

The track inside of Otter Tail Power's plant has not been operated over in 10-15 years. The track between milepost 48.15 and milepost 47.6 was removed. It is my understanding that the tracks and materials were removed in the 1990's by OTP. Therefore, OTVR does not plan any salvage activity on this part of the line. There is about 600 feet of track left on the Line between milepost 48.15 and milepost 48.422 that has not been salvaged. OTVR does not plan to salvage this portion of the Line either.

The current Google Earth photos show a line of the BNSF Railroad that runs next to the area where the OTVP's tracks were.

Attached are photos of the right-of-way taken in October 2010 showing the right-of-way without track and materials, except for ballast in some locations. In the first picture, you can see the path of the old track to the right (south) of the existing tracks. In the next picture you will see the previous tie-in spot for the old trackage. In the third picture you can see where the previous track branched off.

*4. The report further states there are no structures associated with the rail segment to be abandoned. However, Google Earth shows a railroad bridge on this segment, near the power plant. Please send current photos of the bridge.*

The railroad bridge shown on Google Earth is a BNSF bridge. The OTVR bridge is no longer standing. Attached is a picture of the OTVR bridge location.

If you have any additions questions or concerns, please contact me at (410) 296-2205 or by email at [Melanie@lgraillaw.com](mailto:Melanie@lgraillaw.com).

Sincerely yours,



Melanie B. Yasbin  
Attorney for Otter Tail Valley Railroad Company, Inc.

Enclosures















